FARAD CONTINUATION SHEET NO.:

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.6483 OF 2006

| Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders. | Court's or Judge's orders. |
|---|---|

Mr V.D.Patil, for the petitioners.
Mr Pratap Patil, for respondent no.1.

CORAM: D.B.BHOSALE,J.
DATED: 03.10.2006

**P.C.**:

Heard the learned counsel for the parties.

This writ petition is directed against the concurrent findings recorded by the courts below on the application at Exhibit-5 filed by the petitioners-plaintiffs seeking injunction against the defendants restraining them from cutting the trees in dispute. Both the courts below, after considering the entire material on record, have recorded a categoric finding that the trees in dispute do not situate in the suit land as claimed by the petitioners-plaintiffs. Keeping that in view, I am not inclined to interfere with the concurrent findings recorded by the

courts below in writ jurisdiction under Article 227 of the Constitution of India. However, I am informed that since 20.12.2003 the order of status-quo, insofar as the cutting of the trees in dispute is concerned, is running till this date. Keeping that in view, the parties shall not cut the trees in dispute till the disposal of the suit. The trial Court shall decide the suit as expeditiously as possible and preferably within a period of one year from the date of receipt of this order on merits in accordance with law and without being influenced by the orders passed in this proceedings arising from Exhibit-5 application. With these observations, the writ petition is disposed of.

(D.B.BHOSALE,J.)